

105TH CONGRESS  
1ST SESSION

# S. 940

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## AN ACT

To provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited the “Battle of Midway Na-  
5       tional Memorial Study Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) September 2, 1997, marked the 52nd anni-  
4 versary of the United States victory over Japan in  
5 World War II.

6 (2) The Battle of Midway proved to be the  
7 turning point in the war in the Pacific, as United  
8 States Navy forces inflicted such severe losses on the  
9 Imperial Japanese Navy during the battle that the  
10 Imperial Japanese Navy never again took the offen-  
11 sive against the United States or the allied forces.

12 (3) During the Battle of Midway on June 4,  
13 1942, an outnumbered force of the United States  
14 Navy, consisting of 29 ships and other units of the  
15 Armed Forces under the command of Admiral Nim-  
16 itz and Admiral Spruance, out-maneuvered and out-  
17 fought 350 ships of the Imperial Japanese Navy.

18 (4) It is in the public interest to study whether  
19 Midway Atoll should be established as a national  
20 memorial to the Battle of Midway to express the en-  
21 during gratitude of the American people for victory  
22 in the battle and to inspire future generations of  
23 Americans with the heroism and sacrifice of the  
24 members of the Armed Forces who achieved that  
25 victory.

1           (5) The historic structures and facilities on  
2       Midway Atoll should be protected and maintained.

3   **SEC. 3. PURPOSE.**

4       The purpose of this Act is to require a study of the  
5   feasibility and suitability of designating the Midway Atoll  
6   as a National Memorial to the Battle of Midway within  
7   the boundaries of the Midway Atoll National Wildlife Ref-  
8   uge. The study of the Midway Atoll and its environs shall  
9   include, but not be limited to, identification of interpreta-  
10   tive opportunities for the educational and inspirational  
11   benefit of present and future generations, and of the  
12   unique and significant circumstances involving the defense  
13   of the island by the United States in World War II and  
14   the Battle of Midway.

15   **SEC. 4. STUDY OF THE ESTABLISHMENT OF MIDWAY ATOLL**  
16                   **AS A NATIONAL MEMORIAL TO THE BATTLE**  
17                   **OF MIDWAY.**

18       (a) IN GENERAL.—Not later than six months after  
19   the date of enactment of this Act, the Secretary of the  
20   Interior shall, acting through the Director of the National  
21   Park Service and in consultation with the Director of the  
22   United States Fish and Wildlife Service, the International  
23   Midway Memorial Foundation, Inc. (hereafter referred to  
24   as the “Foundation”), and Midway Phoenix Corporation,  
25   carry out a study of the suitability and feasibility of estab-

1 lishing Midway Atoll as a national memorial to the Battle  
2 of Midway.

3 (b) CONSIDERATIONS.—In studying the establish-  
4 ment of Midway Atoll as a national memorial to the Battle  
5 of Midway under subsection (a), the Secretary shall ad-  
6 dress the following:

7 (1) The appropriate federal agency to manage  
8 such a memorial, and whether and under what con-  
9 ditions, to lease or otherwise allow the Foundation  
10 or another appropriate entity to administer, main-  
11 tain, and fully utilize the lands (including any equip-  
12 ment, facilities, infrastructure, and other improve-  
13 ments) and waters of Midway Atoll if designated as  
14 a national memorial.

15 (2) Whether designation as a national memorial  
16 would conflict with current management of Midway  
17 Atoll as a wildlife refuge and whether, and under  
18 what circumstances, the needs and requirements of  
19 the wildlife refuge should take precedence over the  
20 needs and requirements of a national memorial on  
21 Midway Atoll.

22 (3) Whether, and under what conditions, to per-  
23 mit the use of the facilities on Sand Island for pur-  
24 poses other than a wildlife refuge or a national me-  
25 morial.

1           (4) Whether to impose conditions on public ac-  
2           cess to Midway Atoll as a national memorial.

3           (c) REPORT.—Upon completion of the study required  
4           under subsection (a), the Secretary shall submit, to the  
5           Committee on Energy and Natural Resources of the Unit-  
6           ed States Senate and the Committee on Resources of the  
7           House of Representatives, a report on the study, which  
8           shall include any recommendations for further legislative  
9           action. The report shall also include an inventory of all  
10          known past and present facilities and structures of histori-  
11          cal significance on Midway Atoll and its environs. The re-  
12          port shall include a description of each historic facility and  
13          structure and a discussion of how each will contribute to  
14          the designation and interpretation of the proposed na-  
15          tional memorial.

16   **SEC. 5. CONTINUING DISCUSSIONS.**

17          Nothing in this Act shall be construed to delay or  
18          prohibit discussions between the Foundation and the Unit-  
19          ed States Fish and Wildlife Service or any other govern-

- 1 ment entity regarding the future role of the Foundation
- 2 on Midway Atoll.

Passed the Senate November 4, 1997.

Attest:

*Secretary.*

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